

SUPREME COURT OF THE STATE OF NEW YORK NEW YORK COUNTY

PRESENT: HON. ANDREA MASLEY

PART

IAS MOTION 48EFM

Justice

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ALTERRA AMERICA INSURANCE

Plaintiff,

- v -

NATIONAL FOOTBALL LEAGUE

Defendant.

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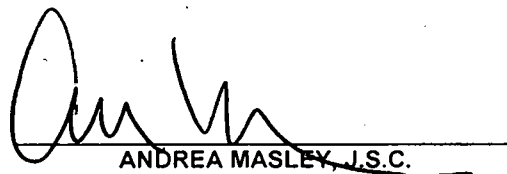
INDEX NO. 652813/2012MOTION DATE 03/29/2019MOTION SEQ. NO. 021

DECISION + ORDER ON MOTION

The following e-filed documents, listed by NYSCEF document number (Motion 021) 510, 511, 512, 532 were read on this motion to/for COMMISSION

Upon the foregoing documents, the motion is granted in the absence of opposition.

6/7/2019
DATE


ANDREA MASLEY, J.S.C.

CHECK ONE:

☐

CASE DISPOSED

☒

GRANTED

☐

DENIED

☒

NON-FINAL DISPOSITION

☐

GRANTED IN PART

☐

OTHER

APPLICATION:

☐

SETTLE ORDER

☐

SUBMIT ORDER

CHECK IF APPROPRIATE:

☐

INCLUDES TRANSFER/REASSIGN

☐

FIDUCIARY APPOINTMENT

☐

REFERENCE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALTERRA AMERICA INSURANCE CO.,

Index No. 652813/2012 E

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

**ORDER FOR THE COMMISSION
TO THE COURTS OF THE
COMMONWEALTH OF
MASSACHUSETTS- BOSTON
UNIVERSITY**

Defendants.

DISCOVER PROPERTY & CASUALTY
COMPANY, et al.,

Index No. 652933/2012 E

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

A motion having duly come on to be heard on the 16th of April, 2019, for an
Order granting a commission,

NOW, on reading and filing the following papers submitted to the Court, NYSCEF DOC. NOS. 511-512
INDEX NO. 652813/12, and upon the Court's decision thereon dated 6/7/19, it is hereby

ORDERED that the motion/Order to Show Cause is granted, and it is further

ORDERED that, pursuant to CPLR 3108, 3111, and 3120, a commission issue in this
action to the Courts of the Commonwealth of Massachusetts, or any person who may administer
oaths pursuant to the laws of that state, to require the production of documents and testimony

from The Clinical Research Program, Boston University School of Medicine, Robinson
Complex, Suite 7800, Boston, Massachusetts 02118.

Dated: ^{June}~~March~~ 7, 2019

ENTER:



, J.S.C.

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

ALTERRA AMERICA INSURANCE CO.,

Index No. 652813/2012 E

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

**COMMISSION –
MASSACHUSETTS**

Defendants.

**DISCOVER PROPERTY & CASUALTY
COMPANY, et al.,**

Index No. 652933/2012 E

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

THE PEOPLE OF THE STATE OF NEW YORK

**TO: THE APPROPRIATE AUTHORITY IN THE COMMONWEALTH OF
MASSACHUSETTS**

KNOW YE, that we, with full faith in your prudence and competency, have appointed you by a Judge of your Court, Commission and by these presents do authorize you to serve a judicial subpoena *duces tecum* and *ad testificandum* upon The Clinical Research Program, Boston University School of Medicine, Robinson Complex, Suite 7800, Boston, Massachusetts 02118, as a non-party witness in an action pending in our Supreme Court, New York County, between Plaintiffs Century Indemnity Company, ACE American Insurance Company, Illinois Union Insurance Company, Westchester Fire Insurance Company, Great Northern Insurance

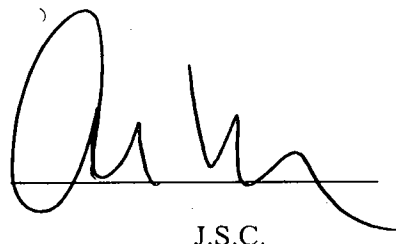
Company, Pacific Indemnity Company, Federal Insurance Company and Vigilant Insurance Company (collectively "Chubb"), and defendants, the National Football League and NFL Properties, LLC (collectively, "NFL"), and to compel them to produce documents in their possession and appear for a deposition to provide testimony which is material and relevant to the above captioned matter.

We, therefore, request of you that, in furtherance of justice, you will, by proper and usual process of your Court, cause witness, The Clinical Research Program, Boston University School of Medicine, to produce all non-privileged documentation and appear for a deposition to provide testimony on topics responsive to the subpoena *deuces tecum* and *ad testificandum* propounded on behalf of Chubb. Pursuant to 3102(e) of the New York Civil Practice Law and Rules:

"[w]hen under any mandate, writ or commission issued out of any court of record in any other state, territory, district or foreign jurisdiction, or whenever upon notice or agreement, it is required to take the testimony of a witness in the state, he may be compelled to appear and testify in this same manner and by the same process as may be employed for the purpose of taking testimony in actions pending in the state. The supreme court or a county court shall make any appropriate order in aid of taking such a deposition."

In accordance with the foregoing statute we shall be and stand ready, willing and able to do the same for you, as we are asking you to do, in a similar case when required.

WITNESS HON. ANDREA MASLEY, Justice of the Supreme Court of the State of New York and the seal thereof, at the City of New York, County of New York, this 7th day of JUNE, 2019.



J.S.C.